

**Remarks**

Claim Rejections – 35 USC § 102

Claims 1 and 57-100 are pending.

Claims 2-50 have been cancelled. Claims 1 and 51-56 are withdrawn.

New claims 57-100 have been added. No new matter has been claimed.

Amended claim 50 and all new claims require the cooking medium be prevented from passing through the vessel. Unlike the present invention, Wilson (US 4,542,685) depends upon the cooking medium passing through the vessel to directly contact the food item (see column 6, lines 15-16).

Amended claim 50 and all new claims require the vessel be formed of a material that substantially instantaneously transfers heat from the hot liquid cooking medium to produce immediate effective frying temperature at the food item. Such a property is not inherent in all materials and/or material thickness capable of forming vessels. Since neither Janssen (US 3,946,654) or Roberts et al. (US 5,359,924) teach their apparatus for use with frying, Applicant is neither anticipated nor made obvious by the cited references.

Additionally, independent claims 79, 94, 98 and their dependent claims further require that substantially all food item surfaces be in intimate contact with vessel interior surfaces. This limitation is neither taught nor made obvious by the cited references. Roberts et al. teaches an open top, while Janssen is focused on the bag opening and teaches nothing about the food item/bag inner surface spatial relationship. There is no

teaching as to whether the bag is quarter full, half full, or filled to any other percentage.

### **Conclusion**


For the foregoing reasons, Applicant respectfully requests the rejections be withdrawn and submits that the application is in condition for allowance. That action is earnestly solicited. If a telephone call is required to expedite this matter, please contact the undersigned.

The total number of claims and independent claims have not increased. No fee is believed due, however, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 502,209.

10/709,273  
Attorney Docket No. 72-002

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 502,209.

Respectfully submitted,



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